

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

JOSEPH BOND, on behalf of himself and others similarly situated,	:	CIVIL ACTION FILE NO. 3:24-cv-2551-
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Plaintiff,	:	
	:	
v.	:	
	:	
FOLSOM INSURANCE AGENCY LLC, CODY FOLSOM	:	
	:	
Defendants.	:	

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**PLAINTIFF'S SECOND SET OF DISCOVERY  
TO FOLSOM INSURANCE AGENCY LLC**

**INSTRUCTIONS FOR INTERROGATORIES**

1. Pursuant to Rule 33, submit your answers to the interrogatories herein in writing and under oath to the undersigned counsel within 30 days of the date of service on you. If any of these interrogatories cannot be answered in full, then you should answer to the fullest extent possible, specifying the reasons for your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion or portions. In answering these interrogatories, furnish such information as is available to you, regardless of whether this information is obtained directly by you, through your agents or representatives or by any of your attorneys. For each interrogatory, please identify all persons who provided information used in answering it.

2. These interrogatories are continuing in nature. In accordance with Rule 26, you are required to supplement your answers to the interrogatories when new or additional information becomes known to you.

**INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

3. Pursuant to Rule 34(b)(2)(B), on the date production is due, Defendant shall produce all the responsive documents or specify a reasonable date certain on which they will be produced.

4. In accordance with Rule 34(b), you shall provide written responses to the following requests and shall produce the requested documents as they are kept in the ordinary and usual course of business or shall organize and label the documents to correspond with the categories in this request.

5. A draft and a final version are two distinct documents.

6. If Defendant withholds the production of any responsive document on the grounds that the document is privileged or otherwise protected, Defendant shall state in a privilege log the nature of the claim of privilege or protection; the type and nature of the document; the date of the document; the author(s), the addressee(s), and recipient(s) of the document; the document's present location; and any other information that will enable Plaintiff and the Court to assess the applicability of the privilege or protection.

**DEFINITIONS**

The following terms shall have the following meanings, even when not capitalized or bolded:

7. **“Communication”** includes all forms of correspondence, including, but not limited to, letters, emails, voicemails, text messages, instant messages, or social media messages.

8. **“Defendant”** means the defendant named in this lawsuit who is being served with these requests and includes, without limitation, any of its past or present offices, locations,

divisions, affiliates, subsidiaries, successors, predecessors, partners, joint venturers, officers, directors, employees, agents, attorneys or representatives.

9.     **“Describe”** means to identify and explain fully the characteristics, nature and substance of a given thing, action, communication or event, to set forth all details, physical properties and dimensions of a physical thing inquired about, and to specify all pertinent dates, locations, causes, purposes, effects and results of the thing, action, communication or event inquired about.

10.    **“Document”** means any writing as defined in Rule 34(a)(1)(A), however produced, reproduced, archived or stored, within your possession or subject to your control, of which you have knowledge or to which you now have or previously had access, including all ESI.

11.    **“Identify”** (when used in reference to a document) means to state the date of preparation of the document, its author, the sender (if any), the recipient (if any), the nature of the document (e.g., letter, memorandum or tape) and other means of identification sufficient to specify the document for purposes of a request for production, and to further state its present location and custodian. If any such document was, but no longer is, in your possession or custody or subject to your control, describe what disposition was made of it and give the name, address and telephone number of the person presently having possession, custody or control of the document.

12.    **“Identify”** (when used in reference to a natural person) means to state that person’s full name, title, business address, telephone number, email address, occupation and employer, along with a statement of whether that person is represented by your counsel in this litigation.

13. “**Identify**” (when used in reference to an entity) means to state the entity’s full name, address, telephone number, state of incorporation or organization and web address. Unless it otherwise appears from the context, a request for the identity of a person relates to all persons in the relevant classification or category, and the request for the identity of an entity includes all affiliated entities.

14. “**Person**” means any natural person or legal entity, including, without limitation, any business or governmental entity or association.

15. “**Plaintiff**” means the Plaintiff in this lawsuit.

16. “**Policy**” means any instruction, practice, procedure, directive, routine, guideline, rule, course of conduct or code of conduct that was or has been recognized, adopted, issued or followed by you—regardless of whether written or unwritten, formal or informal, recorded or unrecorded.

17. “**TCPA**” means the Telephone Consumer Protection Act, 47 U.S.C. § 227.

18. “**Telemarketing**” means a telecommunication that could have generated or was intended to generate leads, customers or sales for you or any franchisee of yours within the United States. A communication is telemarketing even though it (1) had other, additional purposes (e.g., fulfillment of a partially completed transaction or verification of information); (2) was to a person who had consented to receive it; (3) was to a person who had a prior existing business relationship with you; (4) was not made by you; and/or (5) was not made for your exclusive or direct benefit.

19. “**Third party**” means any natural person, partnership, association, corporation, joint venture, or other business or legal entity not owned or controlled by you.

20. “**Vendor**” means any third party under contract with, hired by, employed by, paid by or working for you, directly or indirectly, for purposes of telemarketing or phone-based activities or services, including, but not limited to, generating leads, warm transfers, hot transfers or any other call transfers, making outbound telemarketing calls, or tracking or aggregating data related to any of those activities, including, but not limited to, any co-defendant.

21. “**You**” means the entity to which these requests are propounded and includes, without limitation, any of its past or present offices, locations, divisions, affiliates, subsidiaries, successors, predecessors, partners, joint venturers, officers, directors, employees, agents, attorneys or representatives.

22. All other words shall have their ordinary definition as defined by Merriam-Webster’s online dictionary, located at <http://www.merriam-webster.com/>

#### **RELEVANT TIME PERIOD**

Unless otherwise indicated, these requests shall pertain to the time period starting four years before the filing of the original complaint in this case and continuing through the present and shall include all documents and information that relate in whole or in part to such period, or to events or circumstances during such period, even though dated, prepared, generated or received outside of that period.

**INTERROGATORIES**

1. Identify the source of each telephone number you contacted using a ringless voicemail.

**ANSWER:**

2. Identify the source of each telephone number you contacted with a pre-recorded message.

**ANSWER:**

3. Identify each report, call detail record or other document you have that reflects to whom a ringless voicemail was sent.

**ANSWER:**

4. Identify each report, call detail record or other document you have that reflects to whom a pre-recorded message was sent.

**ANSWER:**

**DOCUMENT REQUESTS**

1. Please provide all records or reports of a communication sent using a ringless voicemail.

**RESPONSE:**

2. Please provide all records or reports of a communication sent using a pre-recorded message.

**RESPONSE:**

3. Please provide all telephone or call detail records of a communication sent using a ringless voicemail.

**RESPONSE:**

4. Please provide all telephone or call detail records of a communication sent using a pre-recorded message.

**RESPONSE:**

Submitted for the Plaintiff,

*/s/ Anthony I. Paronich*  
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